

REMARKS/ARGUMENTS

Upon entry of this amendment, claims 1-64 have been cancelled. New claims 65-78 have been added. Hence, claim 65-78 are pending. Support for the newly added claims can be found in the specification. No new matter has been added. Reconsideration is respectfully requested.

Rejected Claims and Non-Elected Claims

In the Office Action mailed May 10, 2005, claims 1-10, 12-19, 25-34, 36-43 and 49-53 were rejected under 35 U.S.C. 103(a) for allegedly being obvious over Lockhart et al. (WO 97/27317) in view of Zhao et al. (Gene, Vol. 156, pp. 207-213, 1995). Additionally, claims 1-10, 12-19, 25-34, 36-43, 49-53, and 56-64 were rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Moreover, claims 56-64 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Also, claims 1-10, 12-19, 25-34, 36-43, and 49-53 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-50 of U.S. Patent No. 6,420,108. Applicants respectfully traverse all these rejections. But in order to expedite prosecution of the above identified application, claims 1-10, 12-19, 25-34, 36-43, 49-53, and 56-64 have been cancelled without prejudice in any manner. Additionally, non-elected claims 54-55 that were previously withdrawn, have also been cancelled without prejudice in any manner.

New Claims

Claims 65-78 have been added. Examples supporting these claims can be found in the specification. Specifically, examples for obtaining expression level data associated with an expressed sequence from at least two samples can be found at least on page 9 of the specification. Examples for generating numerical values for the expression level data can be found at least on pages 9-11 of the specification. Examples for placing at least one mark on the computer aided display can be found at least on page 12 of the specification and Figure 6 of the

drawings. Examples for receiving a selection of the mark from a user can be found at least on page 13 of the specification. Examples for sending an inquiry related to the expressed sequence to a database over a communication network can be found at least on page 14 of the specification. Examples for receiving information related to the expressed sequence from the database over the communication network in response to the inquiry can be found at least on page 14 of the specification. Examples for displaying the received information related to the expressed sequence from the database on the computer aided display in response to the selection can be found at least on page 14 of the specification.

Additionally, Applicants respectfully submit that Lockhart et al. and Zhao et al. do not, alone or in combination, teach or suggest one or more claim limitations. For example, Lockhart et al. and Zhao et al. do not, alone or in combination, teach at least receiving a selection of the mark from a user, sending an inquiry related to the expressed sequence to a database over a communication network, receiving information related to the expressed sequence from the database over the communication network in response to the inquiry, and displaying the received information related to the expressed sequence from the database on the computer aided display in response to the selection. For at least these reasons, claims 65-78 should be allowed.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this Application, please telephone the undersigned at 650-326-2400.

Appl. No. 10/028,748
Amdt. dated November 1, 2005
Reply to Final Office Action Mailed May 10, 2005

PATENT

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Daniel Mao", with a stylized flourish at the end.

Daniel Mao
Reg. No. 51,995

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 650-326-2400
Fax: 415-576-0300
DM:ean:ejt
60548701 v2